



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

October 24, 2013

Ms. Barbara Smeltzer
Mr. Chris Marston
California Future Fund for Free Markets Yes on Proposition 32 with Major Funding By American
Future Fund
4225 Fleur Drive, Suite 142
Des Moines, IA 50321

**Re: Notice of Duty to Turn Over Contributions to the State of California
Government Code section 85701**

Dear Ms. Smeltzer:

The Fair Political Practices Commission (“Commission”) has jurisdiction to investigate and prosecute violations of the Political Reform Act of 1974 (the “Act”).¹ On October 17, 2013, the Commission approved a civil agreement for judgment finding that the Center to Protect Patient Rights (CPPR) failed to report itself as the source of a campaign contribution through American Future Fund (AFF) to your campaign committee, the California Future Fund for Free Markets Yes on Proposition 32 with Major Funding By American Future Fund FPPC ID#1351572. A copy of the Commission’s approved judgment is enclosed for your reference.

Section 85701 provides that any candidate or committee that receives a contribution where the source is not identified must turn the contribution over to the General Fund of the State of California. Pursuant to this statute, we request that you make payment in the amount of \$4,080,000 for the contribution made to you and your committee by CPPR and AFF.

Please remit a cashier’s check in the amount of **\$4,080,000** made payable to the “General Fund of the State of California,” and send or deliver the check to my attention on or before **November 30, 2013**. Upon receipt of payment in full, we will provide you with written acknowledgment of satisfaction of your obligation under Section 85701. We hope to resolve this matter in an informal and expeditious manner, and we appreciate your cooperation in ensuring that contributions that were illegally made are turned over to the General Fund of the State of California as required by law. If we do not receive full payment by November 30, 2013, it will become necessary to take formal steps to collect the funds.

¹ The Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

Thank you for your attention to this matter. Should you have any questions, please feel free to contact me at (916) 323-6424.

Very truly yours,

Gary S. Winuk, Chief
Enforcement Division

Enclosure